IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 33770 of 2007(T)

PETITIONER:

DHANYA A.N., D/O.C.K.NARAYANAN,
AGED 25 YEARS, 'AKAVASSERY HOUSE,
BEEMANADI P.O., NILESWARAM, KASARAGOD

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:

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1. SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH AND FAMILY WELFARE
SERVICE, THIRUVANANTHAPURAM.

2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS CHAIRMAN,
PATTOM, THIRUVANANTHAPURAM.

3. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, KASARAGOD.

BY GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C).33770/2007

Dated this the 5th day of December, 2007

JUDGMENT

Petitioner applied for selection to the post of Staff Nursing pursuant to the notification issued by the PSC. She qualified in the written test and her name was included in the short list also. According to the petitioner, her father belongs to the Viswakarma community and mother belongs to Maratti caste. In the application submitted by her, she had indicated her community as Marati and claimed the benefit of reservation of other backward communities. Subsequently at the time of verification, it was found that the petitioner had produced a certificate, Ext.P7, indicating that she belongs Viswakarma community. PSC rejected the petitioner's application by Ext.P9 stating that an applicant who claims that he/she belongs to reserved community can be considered against that community only if he/she produces a certificate showing that he/she belongs to the said community. In the instant case, petitioner indicated her community in the application as

Marati, but produced the certificate indicating community as Viswakarma. Obviously it is not permissible.

2. I do not find any error in the stand taken by the PSC as per Ext.P9. Obviously petitioner cannot be permitted to produce certificate which is at variance from the claim made by her in the application. May be both Marati and Viswakarma come under the general head of other backward communities, but that does not help the petitioner because essentially petitioner has produced the certificate showing her community as Viswakarma, inconsistent with her claim in the application that she belongs to Marati community. In the circumstances, writ petition is bereft of merit and the same is dismissed.

V.GIRI,
Judge

mrcs